



MODRALL SPERLING

**Fax Transmittal  
Cover Sheet**

Page 1 of 3  
Date: August 12, 2005  
Time: 1:05 P.M.  
Client/Matter #: 23254-116

**Please deliver the following pages to:**

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**J.E. Gallegos, Esq., Santa Fe, NM, Fax: 505-986-1367**  
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**Gail MacQuesten, Esq., Santa Fe, NM, Fax: 505-476-3462**  
**David K. Brooks, Esq., Santa Fe, NM, Fax: 505-476-3462**  
**Thomas Kellahin, Esq., Santa Fe, NM, Fax: (505) 982-2047**  
**From: Earl E. DeBrine, Jr., Esq.**

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PO Box 2168  
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Tel: 505.848.1800  
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Comments: Re: STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION DIVISION, *IN THE MATTER OF THE APPLICATION OF MEWBOURNE OIL COMPANY FOR CANCELLATION OF A DRILLING PERMIT AND APPROVAL OF A DRILLING PERMIT*, LEA COUNTY, NEW MEXICO, Case No. 13492

Letter dated 8/12/05 from Mr. DeBrine to Mr. Hall

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WST 8/15/05



MODRALL SPERLING

L A W Y E R S

August 12, 2005

VIA FACSIMILE AND US MAIL

Earl E. DeBrine, Jr.  
505.848.1800  
Fax: 505.848.1889  
edebrine@modrall.com

J Scott Hall  
Miller-Stratvert, P.A.  
150 Washington Ave., Suite 300.  
Santa Fe, NM 87501-2268

Re: NMOCD Case No. 13492, *In re Application of Mewbourne Oil Company, et. al for Cancellation of a Drilling Permit*

Dear Scott:

This responds to your letter faxed at the close of business yesterday. Please specify the reasons Kaiser and Samson are requesting a four point test, including a description of each well in New Mexico where each operator has implemented such a test so Chesapeake can better evaluate your request.

The OCD's order concerning the drilling of the well did not contemplate the conducting of such a test and your threat to present this matter to the Division premised upon a contention that Chesapeake is somehow denying Kaiser and Samson access to information is baseless. In that regard, I have been told that there are no guards posted at the drill site, no one at Chesapeake has seen anyone from Samson or Kaiser at the site and no one been denied access.. If Kaiser or Samson legitimately desires to witness any operations on the well, please coordinate this with me in advance. Chesapeake is willing to accommodate such requests, consistent with its concerns for safety in conducting operations at the site.

Sincerely,

Earl E. DeBrine, Jr.

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cc : Thomas Kellahin  
James Bruce

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